THE FEDERAL CONTRACT LABOR LAW.[1]

THE contract labor laws of the United States have now been in operation about twelve years, the first act having been approved Feb. 26, 1885.[2] Enough time has therefore elapsed to make possible a fair summing up of the working and results of these laws. Up to the end of the fiscal year 1897 the contract labor acts have excluded or caused to be returned within one year after landing 6,202 immigrants out of a total of 5,367,698 immigrants arriving during the thirteen years, or eleven one-hundredths of one per cent. The average number excluded each year has been about 517.

The acts were originally passed at the demand of labor organizations and others who felt that the right to hire workmen of any sort in a foreign country, and to bring them to the United States in any numbers, placed the workingmen of this country at an unfair disadvantage in their efforts to better their condition and secure steady employment. Owing to the degraded condition of many of the laborers at first imported to work in the mines, it was also felt that the social fabric and standard of living among the natives and earlier immigrants were threatened unless some check were put upon the exercise of this right. It was obvious that certain exceptions would have to be made in any law regulating the subject, and therefore private secretaries or servants engaged by foreigners resident in the United States, skilled workmen for new industries not established in the United States, if such workmen cannot be otherwise obtained, professional actors, artists, lecturers, singers, personal or domestic servants, ministers of any religious denomination, professional persons and professors for colleges and

---

ance for his own benefit, and that the lessor was under obligation to insure and use insurance money in making repairs, and it was held that lessee, who, after loss and recovery of insurance money, had released lessor from the obligation to repair (to which the company insuring lessee had been subrogated by payment of the loss), must pay back to the company the insurance money collected by him.

[1] This article includes cases reported to Jan. 1, 1898.

[2] 23 Stat. 332. The subsequent acts are those of Feb. 23, 1887 (24 Stat. 414), Oct. 19, 1888 (25 Stat. 566), March 3, 1891 (26 Stat. 1084), March 3, 1893 (27 Stat. 569).

By the acts of Feb. 23, 1887, and March 3, 1891, the procedure in respect to contract laborers was assimilated to that of the other excluded classes of immigrants.

seminaries, do not come under the provisions of the law, nor does the law prevent a resident from assisting any member of his family to emigrate to this country for the purpose of settlement.[1]

As the law applies in terms only to "immigrants," certain other classes of persons entering the country are not subject to its terms. Such are unnaturalized residents in the United States who go abroad for a visit and return to their work here;[2] also persons who come across the Canadian frontier to perform daily labor and return at night, even though they be under contract.[3] The fact that the contract labor laws have failed to exclude this latter class of persons, contrary to the expectation of their framers, has led to great dissatisfaction on the part of all workingmen with whom Canadians compete, especially in places like Detroit, Suspension Bridge, and other border towns. This dissatisfaction found expression in the so-called "Corliss Amendment" annexed to the immigration bill passed by the Fifty-fourth Congress, which aimed at suppressing all day labor by persons retaining their residence in a foreign country, whether under contract or not. This bill was vetoed March 2, 1897.

By far the most serious blow which has been dealt these acts by the courts relates to the contract under which the laborers come here to work. The act of 1885 made it unlawful for any person, company, partnership, or corporation to prepay the transportation, or in any way assist or encourage the importation or immigration, of any foreigner to this country under a previous contract or agreement, whether parol or special, whether express or implied, to perform labor or service of any kind here. The act of 1891 provides that immigrants must show affirmatively, in order to be entitled to land, that they do not come in violation of the act of 1885. The act of 1893 provides that every immigrant before embarkation must state whether he is under contract to perform labor in the

---

[1] Acts Feb. 26, 1885, § 5, and March 3, 1891, § 5. The provision in the former act that residents might assist "any relative or personal friend" to emigrate was repealed by the latter act.

[2] *Re* Martorelli, 63 Fed. Rep. 437; *Re* Maiola, 67 Fed. Rep. 114.

[3] This is on the theory that such persons do not intend to acquire a temporary or permanent home here. In U. S. *v.* Michigan Central R. R., 48 Fed. Rep. 365, the court said of an office clerk who resided in Canada and worked for the defendant at Suspension Bridge, that he was not imported each day any more than he was exported at night, and that though the promoters of the contract labor law might have intended to remedy such a mischief as this, yet it was not within the ordinary meaning of the act.

United States.[1] Any immigrant coming in consequence of an advertisement printed and published in a foreign country is also to be regarded as a contract laborer.[2]

Such was the state of the statute law when the case of United States *v.* Edgar was decided in the Circuit Court of Appeals for the Eighth Circuit.[3] In this case an alien in England wrote to a person in the United States, saying that the writer had heard that the party addressed was in want of men to do a certain kind of work, and, if convenient to send passes, another alien and himself would "come out." To this letter a third person, to whom the same was handed, replied: "I have this day bought two tickets for you. . . . Take this letter to R. S. & Co. . . . and get tickets. . . . We can give you steady work. . . . Tickets will not be good after July 18." The court held that the word "contract" in the statutes means an enforceable contract, express or implied, at the time the alien is examined at the port of entry. In such a case the assistance and promise of work given by the person in the United States are only an offer, and the proposition of the laborer is likewise only an offer to go to the United States. There is no promise to employ or to be employed. Even if a definite promise of work is given on condition that the alien comes to this country and enters into the employment, this is only an offer, which is ripened into a unilateral contract by the actual coming of the alien into the country. Until he is passed by the immigration officials he has not technically entered or been landed in the country, and there is no contract under which he can be debarred from entrance.[4]

---

[1] Act Feb. 26, 1885, § 1; Act March 3, 1891, § 1; Act March 3, 1893, §§ 1, 2. Moller *v.* U. S., 57 Fed. Rep. 490; U. S. *v.* Edgar, 58 Fed. Rep. 91; 45 Fed. Rep. 44.

[2] Act March 3, 1891, § 3.

[3] U. S. *v.* Edgar, 45 Fed. Rep. 44; 48 Fed. Rep. 91 (1891).

[4] Contrary to the above rule is the case of U. S. *v.* Great Falls & Canada R. R. Co., 53 Fed. Rep. 77 (Circuit Ct. Montana, 1892). In this case the complaint alleged that the defendant offered to one of its employees in Canada to continue his employment if he would come to the United States and perform labor, and that in consideration of such promise, and in pursuance of such agreement, he did come to the United States and work for the defendant. Knowles, J., said that the moment the laborer started to begin his journey toward the United States there was a sufficient acceptance of the defendant's offer in Canada to make a contract within the meaning of the law, under the Montana rule that pleadings shall be liberally construed with a view to substantial justice.

It is submitted that no construction of pleadings can supply a necessary element of a contract, and that the defendant here promised work to the laborer in consideration of his coming to the United States, not in consideration of his starting to come. The case is not to be supported.

On the other hand, the general constitutionality of such acts has been fully sustained.[1] An objection that Congress has no power to punish soliciting or other acts done in a foreign country has been held untenable on the ground that the offence is completed when the laborer enters the United States, and that the act is therefore within the jurisdiction of the courts here. But the courts go further, and hold that even were this not so, the United States can punish offences committed by Americans abroad.[2]

Mention has already been made of the exceptions which it was found necessary to make in the contract labor acts. One of these at least was found to be a loophole through which evasions found easy passage; and the provision in the act of 1885 that residents in this country might assist "any relative or personal friend" to emigrate was amended so as to limit the privilege to assisting a "member" of the resident's family."[3] Persons may come to work in a "new industry," though the industry has been established several years, if it be only confined to a few establishments,[4] and though similar articles or parts of the same article have been made in the United States before.[5] It must appear, however, that suitable labor could not be obtained in this country, and that workmen could not be trained to the special work within a reasonably short time.[6]

To entitle one to enter as an "artist" it must appear that one is such a person in the ordinary sense; and milliners, cooks, or bootblacks cannot evade the law by styling themselves such.[7] An alien imported to run a dairy for profit is not a "domestic ser-

---

[1] The provision of the act of 1891, putting upon the immigrant the burden of showing affirmatively that he is not a contract laborer, was held to be constitutional in the case of Ekin *v.* U. S., 142 U. S. 651. On the constitutionality of these acts see generally *Re* Cummings, 32 Fed. Rep. 75; U. S. *v.* Craig, 28 Fed. Rep. 795; *Re* Florio, 43 Fed. Rep. 114; Lees *v.* U. S., 150 U. S. 476; Church of Holy Trinity *v.* U. S., 143 U. S. 457; Chinese Exclusion Case, 130 U. S. 581; Fong Tue Ting *v.* U. S., 149 U. S. 698. Compare as to the constitutionality of the general immigration act of 1882, Edye *v.* Robertson, 112 U. S. 580.

[2] U. S. *v.* Craig, 28 Fed. Rep. 795. Cf. Ekiu *v.* U. S. 142 U. S., 65; Lees *v.* U. S. 150 U. S. 476; *Re* Florio, 43 Fed. Rep. 114

[3] Acts Feb. 26, 1885, § 5; March 3, 1891, § 5.

[4] U. S. *v.* Bromily, 58 Fed. Rep. 554. See U. S. *v.* Thompson, 41 Fed. Rep. 28.

[5] U. S. *v.* McCullum, 44 Fed. Rep. 745.

[6] U. S. *v.* McCullum, *supra*. The mere advertising for such labor is not of itself sufficient diligence in trying to obtain labor in this country to justify contracting for foreign labor

[7] U. S. *v.* Thompson, 41 Fed. Rep. 28.

vant" under the act;[1] but *aliter* of an "under coachman" who acts as driver to a family.[2] The express exception of clergymen in the act of 1891 was declaratory of a previous decision that such persons were not intended to be covered by the previous act.[3] A chemist is a "professional person," although he agrees to give his entire time to his employer for a certain period.[4]

Such being the construction of these laws, let us consider for a moment the judicial machinery provided for their execution and interpretation. The act of 1891 provides that inspection officers of the United States shall board vessels and examine immigrants, and all decisions by such officers excluding aliens are final, unless reversed on appeal by the Secretary of the Treasury.[5] Where an immigrant is detained by an inspector for special inquiry because there appears to be some doubt whether he is entitled to land, such inquiry is conducted by not less than four inspectors. The immigrant can be admitted only upon a favorable decision made by these inspectors, and any dissenting inspector may appeal to the Commissioner General of Immigration, whose action is subject to review by the Secretary of the Treasury.[6] An immigrant refused admission to land is entitled to a special inquiry into his case, even where upon the preliminary examination he has given testimony which if true would place him among the excluded classes.[7]

No act prior to that of 1891 conferred any power upon the courts to review the decisions of the executive officers upon the evidence before them; and the acts of 1891 and 1894 expressly provide that such decisions shall be final, although the act of 1891 confers full and concurrent jurisdiction, civil and criminal, upon the circuit and district courts of all causes arising under the provisions of that act.[8] Mention has been made of the fact that the burden of proving the absence of a contract to labor has been put upon the immigrant by the act of 1891. The inspectors are not therefore required to base

---

[1] *Re* Cummings, 32 Fed. Rep. 75.

[2] *Re* Howard, 63 Fed. Rep. 263.

[3] Trinity Church *v.* U. S., 143 U. S. 357; 36 Fed. Rep. 303.

[4] U. S. *v.* Laws, 163 U. S. 258.

[5] Act March 3, 1891, § 8; Act Aug. 18, 1894. See Act Feb. 23, 1887, § 6. *Re* Tom Yum, 64 Fed. Rep. 485; U. S. *v.* Rogers, 65 Fed. Rep. 787; *Re* Maiola, 67 Fed. Rep. 114. Cf. Act March 3, 1891, § 8.

[6] Act March 3, 1893, § 5.

[7] *Re* Berjanski, 47 Fed. Rep. 445.

[8] Act March 3, 1891, § 13; Act Aug. 18, 1894 (28 Stat. 390). These provisions have been held to be constitutional. Ekiu *v.* U. S., 142 U. S. 651; *Re* Tom Yum, 64 Fed. Rep. 485; U. S. *v.* Rogers, 65 Fed. Rep. 787.

their decision excluding the immigrant upon any specific evidence showing the alien to be within the law. The courts cannot review their action, and the only remedy is by appeal as above stated.[1] And even under the acts prior to 1891 the settled course of decision was that, where the commissioners had had competent evidence upon which to base their decrees, the courts could not review their action.[2]

Inquiry into the facts by the court may always be had upon *habeas corpus*, so far as is necessary to determine whether the tribunal excluding the alien had jurisdiction.[3] Thus, inasmuch as the power of returning persons not allowed to land is confined to "alien immigrants," the question whether persons are of that description is a question of jurisdiction, and may be determined by the courts on *habeas corpus* proceedings;[4] but additional evidence

---

[1] ". . . the final determination of those facts [on which the right to land depends] may be intrusted by Congress to executive officers; and in such a case, as in all others in which a statute gives discretionary power to an officer to be exercised by him upon his own opinion of certain facts, he is made the sole and exclusive judge of the existence of those facts, and no other tribunal, unless expressly authorized by law to do so, is at liberty to re-examine or controvert the sufficiency of the evidence on which he acted." Gray, J., in Ekiu *v.* U. S., 142 U. S. 651.

[2] *Re* Day, 27 Fed. Rep. 678; *Re* Cummings, 32 Fed. Rep. 75; *Re* Stupp, 12 Blatch. 501–519; *Re* Dietze, 40 Fed. Rep. 324; *Re* Vito Rullo, 43 Fed. Rep. 62; *Re* Berjanski, 47 Fed. Rep. 445.

These provisions are therefore quite different from those in the earlier Chinese exclusion acts. The latter gave the courts power to review facts. See *Re* Jung Ah Lung, 25 Fed. Rep. 141, 143; 124 U. S. 621; Ekiu *v.* U. S., 142 U. S. 651. So in *Re* Feinknopf, 47 Fed. Rep. 447, the question was whether an immigrant was liable to become a public charge. The commissioner disbelieved all the evidence offered by the immigrant, and excluded him. Benedict, J., held that, although the inspector might properly disbelieve the evidence offered, yet there must be some evidence against the immigrant to justify his exclusion. In *Re* Didfirri, 48 Fed. Rep. 168, where laborers first stated a contract on general examination, and later retracted their statements, it was held that there *was* some evidence to justify a finding excluding them. Lacombe, J., said: "Appellate tribunals have been created by the immigration law to correct any errors of the commissioner of immigration in cases where there is conflicting testimony. Where there is some competent evidence before the commissioner sustaining his ruling, this court will not interfere because there was also before him contradictory testimony which he apparently disbelieved."

[3] *Re* Day, 27 Fed. Rep. 681; *Re* Cummings, 32 Fed. Rep. 75; *Re* Dietze, 40 Fed. Rep 324; *Re* Panzara, 51 Fed. Rep. 275; *Re* Vito Rullo, 43 Fed. Rep. 62; *Re* Tom Yum, 64 Fed. Rep. 485; *Re* Maiola, 67 Fed. Rep. 114. See also *Re* Fowler, 18 Blatch. (U. S.) 430, 443; *Re* Stupp, 12 Blatch. (U. S.) 501, 519; *Re* Wadge, 15 Fed. Rep. 864; *Re* Byron, 18 Fed. Rep. 722; Benson *v.* McMahon, 127 U. S. 457; Chew Heong *v.* U. S., 112 U. S. 536; U. S. *v.* Jung Ah Lung, 124 U. S. 621; Wau Shing *v.* U. S., 140 U. S. 424; Lau Ow Bew, Pet'r, 141 U. S. 583.

[4] *Re* Panzara, 51 Fed. Rep. 275; *Re* Martorelli, 63 Fed. Rep. 437; *Re* Maiola, 67 Fed. Rep. 275. See *Re* Tom Yum, 64 Fed. Rep. 485.

cannot be considered by the courts upon *habeas corpus*, and can be submitted only to the commissioner upon a rehearing.[1]

Where an alien makes an affidavit on the examination on the strength of whose contents he is excluded, the mere fact that the statements therein contained were false does not entitle him to be released upon *habeas corpus;*[2] nor the fact that questions were misunderstood or answers incorrectly translated;[3] nor the fact that a refusal to allow an immigrant to land obliges him to remain on the ship in which he came while she remains in port.[4]

Having considered briefly the construction of the contract labor laws and the machinery provided for enforcing them, let us turn our attention for a moment to the penalties prescribed for their violation and to the effect of these penal clauses.

The person, partnership, company, or corporation contracting for labor, or knowingly assisting, encouraging, or soliciting the importation of contract laborers, or advertising contrary to the provisions of law, forfeits one thousand dollars for each offence, to be recovered in a civil suit by the United States, or by any person who may sue therefor in a circuit or a district court of the United States.[5] The contract laborer may himself bring such suit. The sum recovered is to be paid into the treasury of the United States. A separate suit may be brought for each person imported under contract; and the district attorney of the United States is charged with the duty of prosecuting such suit.[6]

A declaration in debt for the penalty must allege (1) that the immigrant previous to entering into the United States was a party to a contract for his labor; (2) that he actually migrated in pursuance of such contract; and (3) that the defendant prepaid his transportation, or otherwise assisted, solicited, or encouraged his immigration.[7]

---

[1] *Re* Day, 27 Fed. Rep. 678.

[2] *Re* Dietze, 40 Fed. Rep. 324; *Re* Didfirri, 48 Fed. Rep. 168.

[3] *Re* Vito Rullo, 43 Fed. Rep. 62.

[4] *Re* Florio, 43 Fed. Rep. 114.

[5] Act Feb. 26, 1885, § 3; Act March 3, 1891, § 3; Lees *v.* U. S., 150 U. S. 476.

The district courts have concurrent jurisdiction with the circuit courts, under U. S. Rev. St., § 563, which gives them jurisdiction of "all suits for penalties and forfeitures incurred under any law of the United States." Such jurisdiction is not taken away by the Act Aug. 13, 1888, providing that the circuit courts shall have original cognizance of "all suits of a civil nature" where the amount involved exceeds two thousand dollars, since this action is of a penal and *quasi* criminal nature. U. S. *v.* Whitcomb Metallic Bedstead Co., 45 Fed. Rep. 89.

[6] Act Feb. 26, 1885, § 3.

[7] U. S. *v.* Craig, 28 Fed. Rep. 795; U. S. *v.* Borneman, 41 Fed. Rep. 751; Moller

The defendant need not have been a party to the contract at all. The declaration should further show the sort of labor contracted for and the substance of the contract,[1] and should set forth with particularity what acts were done to procure the immigration of the laborer; [2] perhaps, also, it should negative the exceptions provided in the statute.[3]

The action for the penalty is criminal in its nature, and the defendant cannot be compelled to testify against himself.[4] No such suit can be settled, compromised, or discontinued without the consent of the court entered of record, with the reasons therefor.[5]

Any person bringing or landing, or aiding the bringing or landing by vessel or otherwise, of aliens not entitled to land in the United States, is guilty of a misdemeanor and liable to a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both.[6] A person must take a physical part in the actual transportation of aliens to be liable under this provision.[7]

---

v. U. S., 57 Fed. Rep. 490; U. S. *v.* Gay, 80 Fed. Rep. 254; U. S. *v.* River Spinning Co., 70 Fed. Rep. 978.

In U. S. *v.* Edgar, 45 Fed. Rep. 44, the defendants contended that, inasmuch as the contract laborers were not allowed to land, they could not be said to have migrated to the United States, and that therefore they, the defendants, were not liable to the penalty. The court did not consider the question.

[1] U. S. *v.* Gay, 80 Fed. Rep. 254; U. S. *v.* River Spinning Co., 70 Fed. Rep. 978. Thus, a declaration alleging an advertisement in a foreign newspaper, and that the contract provided for employment at a certain sum per week, and that the defendant agreed to refund to the immigrant his passage money, is defective in the above particulars. The court is not at liberty to infer that the agreement to refund the passage money was made before the immigrant arrived in this country. U. S. *v.* Gay, 80 Fed. Rep. 254.

[2] U. S. *v.* Gay, 80 Fed. Rep. 254; U. S. *v.* River Spinning Co., 70 Fed. Rep. 978.

[3] U. S. *v.* River Spinning Co., 70 Fed. Rep. 978.

[4] Lees *v.* U. S., 150 U. S. 476; U. S. *v.* Whitcomb Metallic Bedstead Co., 45 Fed. Rep. 89. Cf. Coffey *v.* U. S., 116 U. S. 436; Boyd *v.* U. S., 116 U. S. 616. *Contra*, that it is a civil matter, and a deposition may be used against the defendant. Moller *v.* U. S., 57 Fed. Rep. 490 (1893, C. C. A. 5th Circuit). The action is really one of tort, and therefore where the laws of a State exempt from arrest in cases of contract, express or implied, such exemption cannot be claimed to cover this action. It may be begun by a writ of *capias* if authorized by the State law. U. S. *v.* Banister, 70 Fed. Rep. 44.

[5] Act March 3, 1891, § 2.

[6] Act March 3, 1891, § 6, apparently repealing by implication Act Feb. 26, 1885, § 4. The latter applied only to masters of vessels, and provided a fine of five hundred dollars with or without imprisonment for six months.

[7] So ruled by Mr. Justice Nelson (Dist. Court, Mass.) in the case of Cadwallader M. Raymond. The evidence tended to show that the defendant, a bicycle manufacturer, while in England, engaged two English mechanics to work for him, and had paid their fare to this country. The court ordered a verdict of not guilty. See Boston News, April 18, 1893. (Not officially reported.)

So much for penalties imposed upon those promoting the entrance of contract laborers. The laborers themselves, if found upon arrival to be such, are to be sent back to the countries whence they came, if possible upon the ship which brought them. The cost of their return, as well as of their maintenance while on land, is to be paid by the owners of the vessels bringing them in. The refusal to receive back the immigrants upon the vessel, the neglect to detain them on board, or to return them whence they came, and to pay the cost of maintenance, are all misdemeanors, and the master, agent, consignee, or owner is liable to a fine of three hundred dollars for each offence. The vessel cannot clear from any port while such fine is unpaid.[1]

Persons found within a year after entering the United States to have evaded the contract labor law, may be returned at the expense of the person, vessel, company, or corporation bringing them; if that cannot be done, they are to be returned at the expense of the United States.[2] The Secretary of the Treasury, if satisfied that any person has entered the country in violation of the law, may authorize the arrest and return of such person,[3] and his determination is conclusive and cannot be reviewed by the courts upon petition for *habeas corpus*.[4]

Let us now consider what criticisms upon the laws, as above set forth, have been made by those practically engaged in the enforcement of them. W. D. Owen, Superintendent of Immigration, in his report for 1892, said, p. 10: "It is safe to predict that another year of vigorous prosecutions of violators at the courts, and the detection and return of the laborers at our ports, will make imported laborers substantially a thing of the past." He also observes that since the passage of the act of March 3, 1891, "American advertisers in foreign countries have ceased offering a promise of employment, but otherwise continue advertisements as before." Herman Stump, in his reports for 1893 and 1894, said: "I cannot, however, refrain from expressing a hope that Congress will, at an early date, carefully revise and re-enact the laws upon the subject,

---

[1] Act March 3, 1891, § 10. See Act Feb. 23, 1887, § 8.

[2] Act March 3, 1891, § 11.

[3] Act Oct. 19, 1888.

[4] *Re* Howard, 63 Fed. Rep. 263; U. S. *v.* Arteago, 68 Fed. Rep. 883; *Re* Fong Tue Ying, 149 U. S. 698. If, however, the warrant from the Secretary is defective, and the immigrant is therefore held prisoner without authority, as where the name of the immigrant or any similar name is not in the warrant, he may be released upon *habeas corpus*. U. S. *v.* Amor, 68 Fed. Rep. 885.

making them more certain, explicit, and comprehensive, and giving additional remedies to insure the enforcement thereof." In the report for 1894 he adds, p. 14: "This [increased number debarred in 1894] proves conclusively that the work is becoming more efficient, and that those who attempt to come in violation of law may anticipate deportation with a greater degree of certainty."

The special Immigration Investigating Commission of the Treasury Department which reported in 1895 says, in its report, p. 20: "It is now very rare for employers to attempt to import contract laborers in large gangs as they did formerly. A large proportion of those debarred of late years have been single workmen, and it is safe to say that a majority of them belonged to the best class that apply for admission to this country. Contracts were made for them by friends or relatives who wished to bring here those they had left at home, and who were prudent enough to secure work for them before doing so. . . . The experience of the immigration officials, which has been confirmed by the investigations of the commission, has shown that the present law is not of itself sufficient fully to accomplish the object of its enactment. Its strict enforcement in individual cases occasions great hardships, while, on the other hand, many who should be deported escape, and the employers who contract for them cannot be prosecuted by reason of its defects."

The Report of the Investigating Commission makes the following, among other suggestions: —

1. That some provision be made for regulating the immigration of cheap transient labor from contiguous countries.

2. That the original contract labor act of 1885 be amended so as to forbid the encouragement of immigration "by any undertaking or promise of employment upon arrival in the United States," or under any contract, etc. It will be noticed that this recommendation is intended to meet the decision of the courts above referred to, namely, that the contract must be complete before the immigrant lands in the country. Under the present law the immigrant may be deported and the employer get off, because the immigrant is often the only witness to the contract. The suggestion is to make soliciting on the part of the employer an offence without requiring proof of any contract.

3. It is also suggested that relatives of intending immigrants already in the United States, and not more remote than first cousins, should be allowed to make contracts for the immigrants

for work in their own business and under their own supervision, putting the burden of proving a compliance with the law upon the immigrant and his relative.

4. To extend the time for returning those found to have entered in violation of law to two years.

In the foregoing article I have not attempted to argue the wisdom or unwisdom, justice or injustice, of the contract labor acts, but to state their chief provisions and some of their most conspicuous defects. It seems certain that they have to some extent remedied the evils for which they were originally designed as a cure, and it is equally certain that their appeal would be strenuously contested by the labor organizations of the country.

Prescott F. Hall.